IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

Crl.Rev.Pet.No. 4192 of 2007()

C.M.P. NO. 2030/2006 IN S.T.NO. 1872/2007 of JFCM-IV, THIRUVANANTHAPURAM

REVN. PETITIONER:RESPONDENT-ACCUSED

AZOORA BEEVI,
ANZARI MANZIL, 355, KALLAMBALAM,
THIRUVANANTHAPURAM.

BY ADV. MANOJ.R.NAIR

RESPONDENTS:- PETITIONER/COMPLAINANT & STATE
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1. THE SENIOR MANAGER,
KERALA STATE CO-OPERATIVE BANK LIMITED,
HEAD OFFICE BRANCH, PALAYAM, THIRUVANANTHAPURAM.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. C.M.NAZAR, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 23/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR , J

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CRL.R.P. NO. 4192 OF 2007

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Dated this the 23rd day of November, 2007.

ORDER

The revision petitioner, who is the accused in S.T. No. 1872/2007 on the file of the Judicial First Class Magistrate-IV (Mobile Court), Thiruvananthapuram, which is a prosecution under Section 138 of the Negotiable Instruments Act involving a cheque for Rs.51,564, challenges the order dated 29.10.2007 passed by the Magistrate condoning the delay of 14 days in filing the complaint.

2. The main reason put forward in support of the delay was the illness of the counsel appearing for the complainant and the court below was inclined to accept the same explanation. Apart from the fact that the delay was negligible, there was proper explanation of the delay also and the ground put forward was sufficient to condone the delay. I see no reason to interfere with the order. This revision is accordingly dismissed.

3. Learned counsel appearing for the revision petitioner submitted that the revision petitioners being a muslim lady will

find it difficult to appear before the Magistrate on all the days of posting of the case. In case there is no question of identity involved, it shall be open to the petitioner to move the Magistrate under Section 317 Cr.P.C and I am sure that if and when such an application is filed, the same shall be considered sympathetically by the Magistrate. The warrants if any issued against the revision petitioner shall stand recalled.

V. RAMKUMAR, JUDGE.

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